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**UNITED STATES DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

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Am  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/671,354 09/27/00 OKUMURA

0 038959.01

EXAMINER
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MMC2/0815

OLIFF & BERRIDGE PLC  
P O BOX 19928  
ALEXANDRIA VA 22320

TON, M	PAPER NUMBER
ART UNIT	

2871  
DATE MAILED:

08/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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**Office Action Summary**

Application No.

09/671,354

Applicant(s)

OKUMURA ET AL.

Examiner

Toan Ton

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05-53-01.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-48 is/are pending in the application.
- 4a) Of the above claim(s) 34-36, 39-41 and 44-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-33, 37, 38, 42 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/809,487.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 2871

***Election/Restriction***

1. An election species (I) corresponding to claims 31-33, 37-38, 42-43 is acknowledged.

The two species are distinct from each other, and therefore the election/restriction requirement is proper and maintained.

***Claim Rejections - 35 USC § 112***

2. Claims 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“about 45% or less” or “about 15% or less” is an open-ended recitation. There is no way of determining what an upper limit of the range is, and the claimed limitation “or less” includes *zero or less* which is inoperative, and therefore the scope of the claim is indefinite.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Art Unit: 2871

4. Claims 30, 33, 42 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ohgawara et al (US 5365357).

Ohgawara disclose (Figure 3) a color liquid crystal display device comprising color filters formed in both display and peripheral regions of the display device.

In the display region where electrode groups are opposed to each other to perform visual representation, color filters are disposed in pixel portions. In peripheral region (outside of the display region), color filters which are similar to those in the pixel portions of the display region [col. 8, line 42-50].

***Claim Rejections - 35 USC § 103***

5. Claims 37-38, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgawara as applied to claims 30, 33, 42 above.

Per claim 43, Ohgawara discloses that in peripheral region (outside of the display region), color filters which are similar to those in the pixel portions of the display region. Forming the color filters in both regions of substantially same shape would have been at least obvious to one of ordinary skill in the art for several advantages, e.g., reduction in manufacturing steps (resulting in cost-reduction).

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Per claim 37, forming a layer on the color filter layer is advantageous for several reasons, e.g., preventing direct contact from other layers such as electrode layer, liquid crystal layer. For example, a direct contact between the color filter layer and the liquid crystal layer might deteriorate the material of the liquid crystal layer. Therefore, it would have been at least obvious to one of ordinary skill in the art to employ a protection layer on the color filter layer for several advantages, e.g., preventing direct contact from other layers such as electrode layer, liquid crystal layer. Per claim 38, it would have been at least obvious to one of ordinary skill in the art to form the color filter having substantially similar thickness as the layer for several advantages, e.g., reduction in manufacturing steps (resulting in cost-reduction).

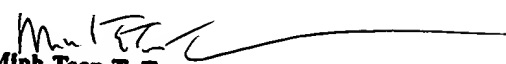
### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

### *Contact Information*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. TON whose telephone number is (703) 305-3489. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

August 13, 2001

  
Minh-Toan T. Ton  
Patent Examiner  
Technology Center 2800